

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GEORGE FAY,

Petitioner,

-v-

ANTHONY F. ANNUCCI, Commissioner,
New York State Department of Corrections
and Community Supervision, and EARL BELL,
Superintendent, Clinton Correctional Facility,

Respondent.

21 Civ. 187 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On November 16, 2023, the Court received a letter from petitioner George Fay's appellate counsel notifying the Court that Fay has recently filed a CPL § 440.10 motion in state court. Dkt. 62. Fay's habeas petition, filed on January 9, 2020, is currently pending before this Court. Dkt. 1. This Court referred the petition, Dkt. 6, as well as Fay's subsequent motions to stay and hold the petition in abeyance and stay and amend the petition, Dkt. 50, to Magistrate Judge Sarah L. Cave on January 10, 2020, and June 2, 2023, respectively. Judge Cave has issued two Reports and Recommendations recommending that the petition and both of Fay's motions be denied. Dkts. 31, 51 ("the Reports"). The Court is actively reviewing the Reports—and the parties' filings in response thereto, including Fay's objections—and expects to issue a decision in the coming weeks. The Court does not invite further submissions.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in dark ink.

PAUL A. ENGELMAYER
United States District Judge

Dated: November 22, 2023
New York, New York